

# **EXHIBIT 21**

**Manually  
Filed**

# **EXHIBIT 22**



Bimbo® (pronounced BEE-moh) Toasted Bread is an entirely different kind of bread. It's been toasted bread that has all the crunchy goodness and flavor of bread that's been toasted. Bimbo Toasted Bread is perfect with your favorite toppings, like butter, jams, or cream cheeses, and makes a quick-and-easy breakfast. It's also great as an accompaniment to soup or for making delicious appetizers.

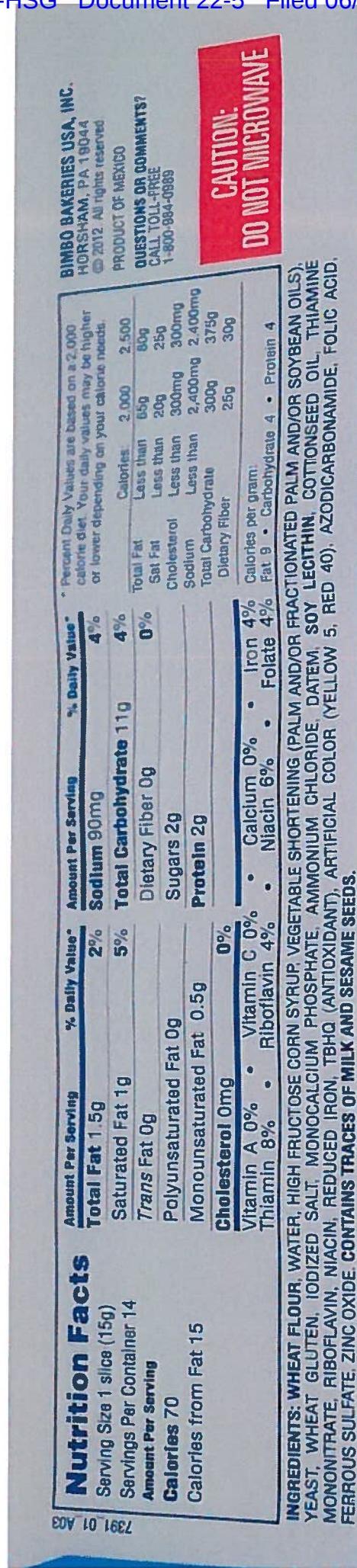
Add a little variety and a little crunch to your day with Bimbo Toasted Bread!









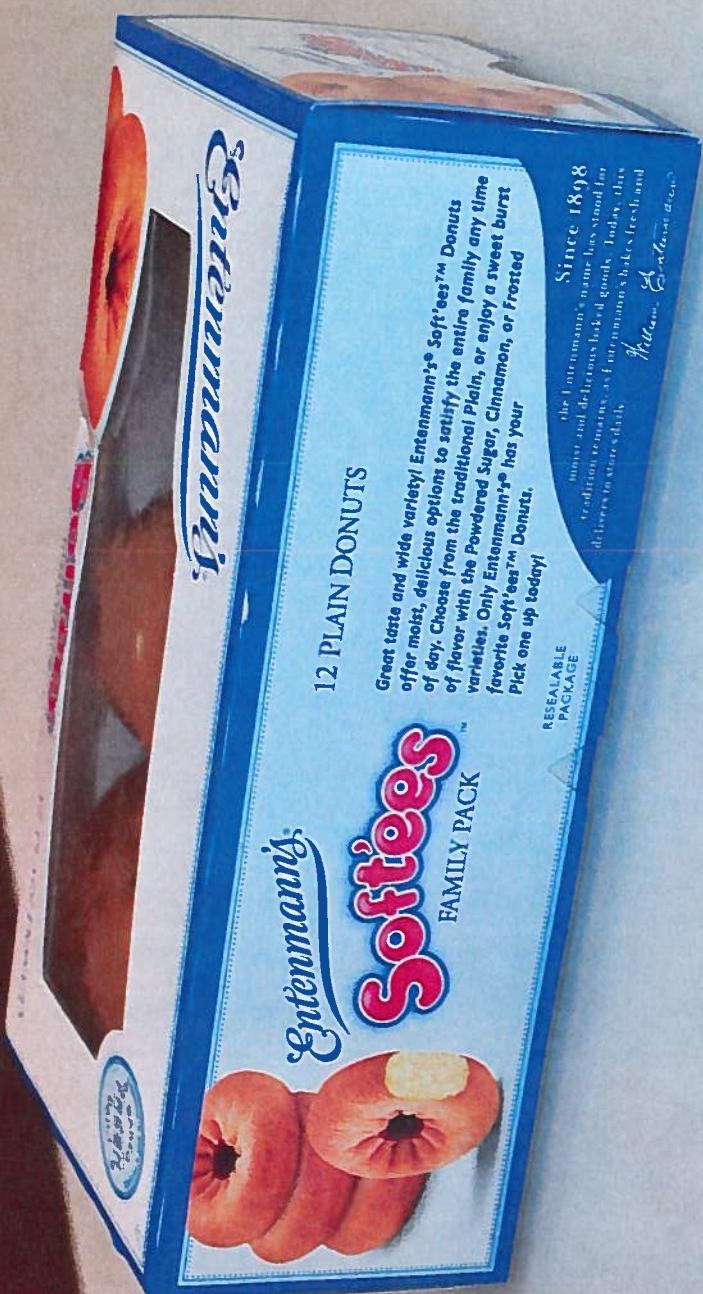




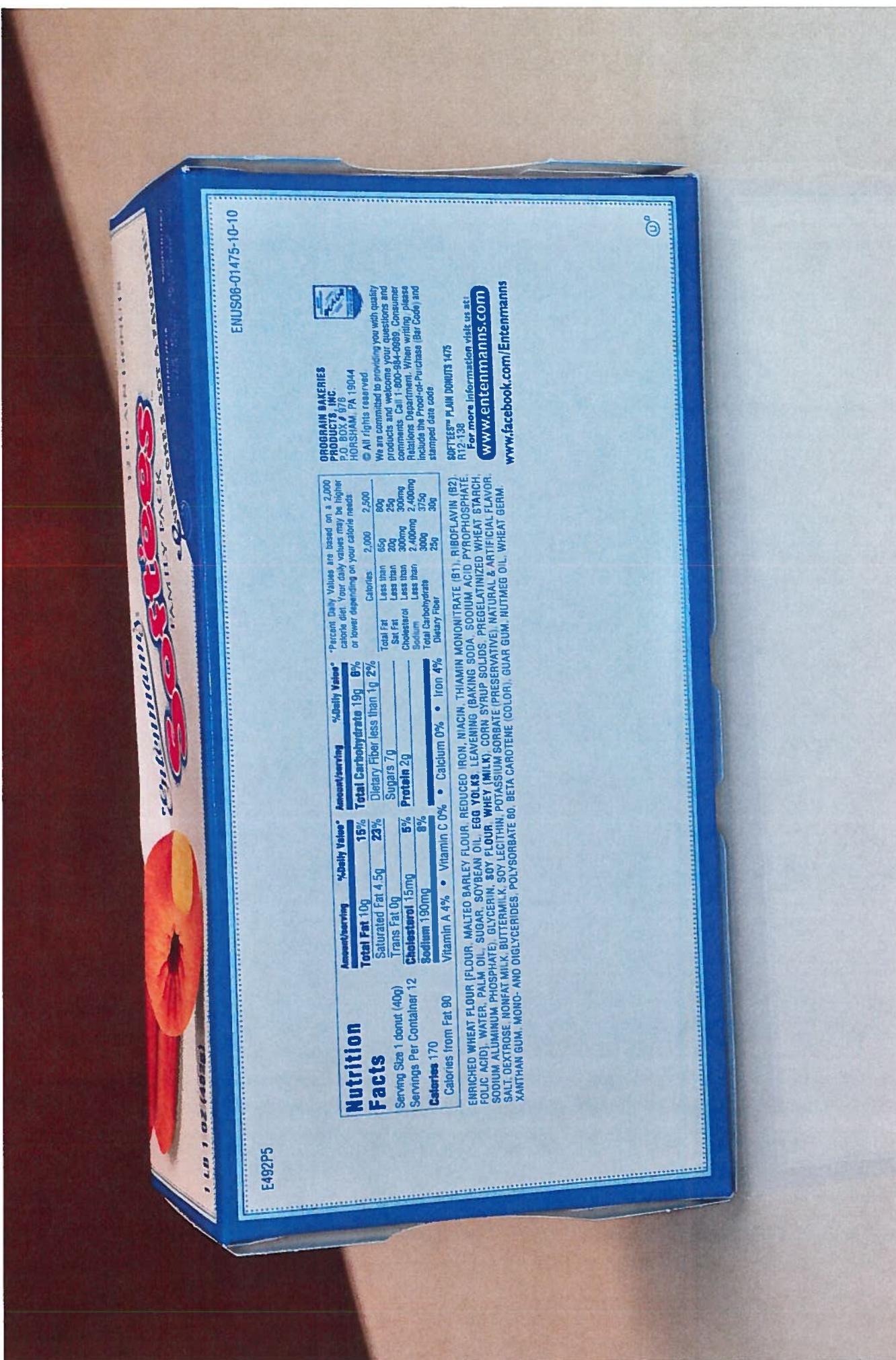
# **EXHIBIT 23**





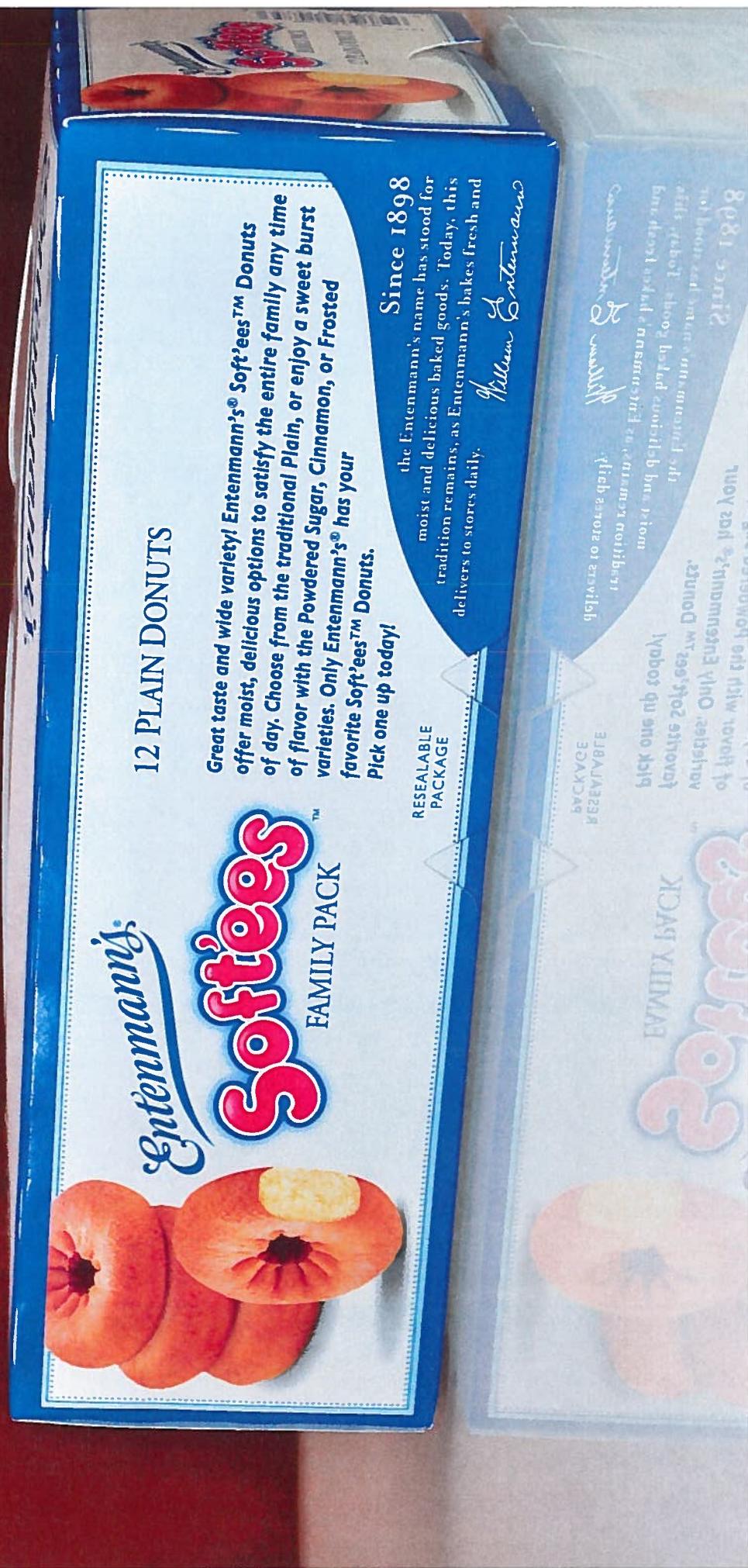




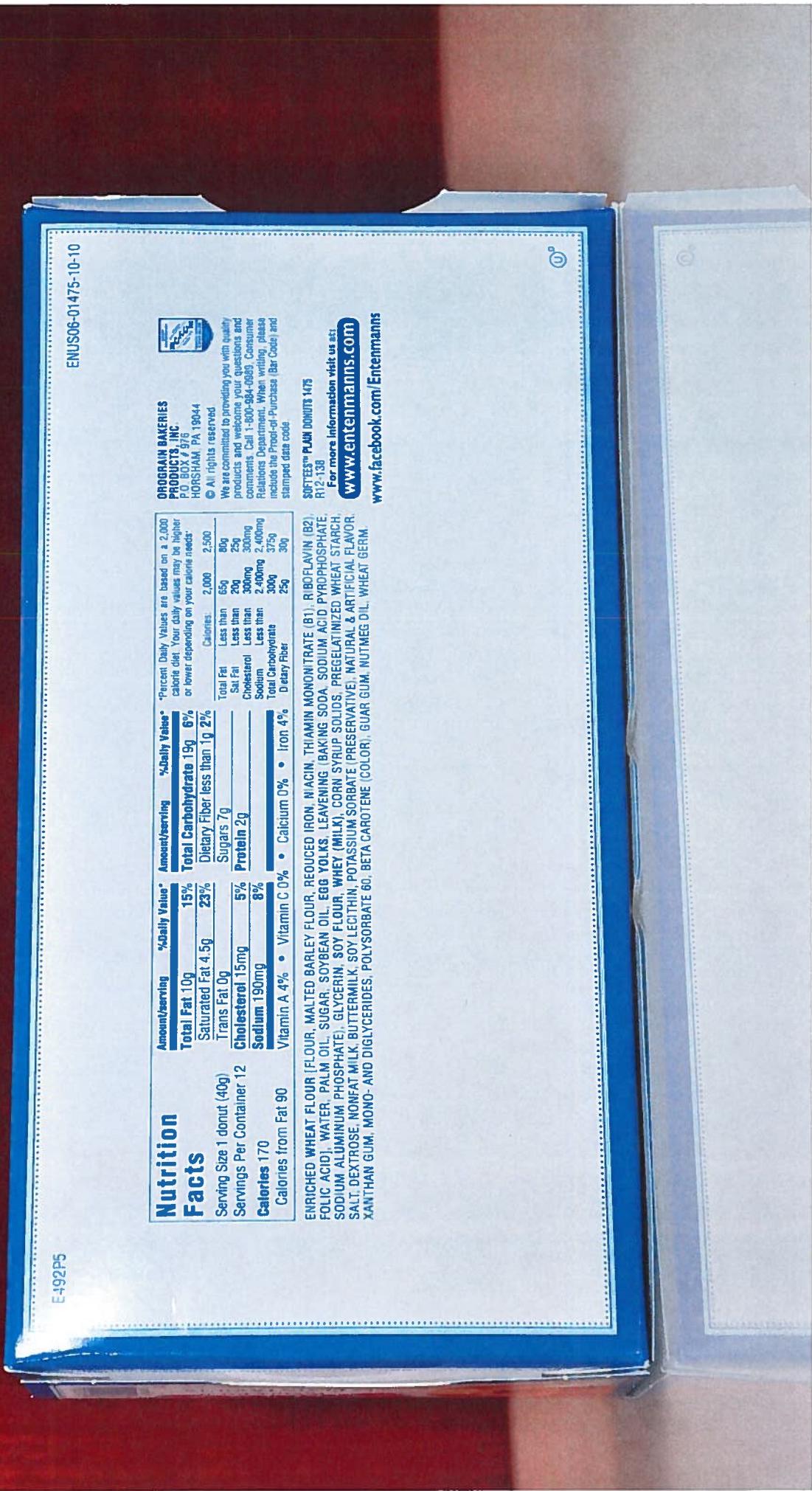














PROJECT INFORMATION		PACKAGE INFORMATION		COLOR INFORMATION		MECHANICAL HISTORY	
<input checked="" type="checkbox"/> CAKE	<input type="checkbox"/> BREAD	SIZE: 10.75" X 14.75" X 1.625"	PRINTING: Offset	COLOR: Open	OPENING: Standard	DATE: 06/07/12	REMARKS: Standard
BRAND: Entenmann's	ITEM: Donuts	STOCK: Rock Tern	DESIGNER: Sharon Hanesworth	MAGENTA	OPENING: Standard	06/07/12	REMARKS: Standard
VARIETY: Soft'ees Family Pack	NET WT.: 1 lb. 1 oz (482g)	CDL: 0PC-072030-01475-3	CDL STYL: Cardstock	YELLOW	OPENING: Standard	06/07/12	REMARKS: Standard
FORM CODE: 1475	MANUFACTURE DATE: 05/20/12	PACK CODE: E492P5	CDL COLOR: White	BLACK	OPENING: Standard	06/07/12	REMARKS: Standard
CTL. CODE: E492P5	EXPIRATION DATE: 06/20/12	WEIGHT: 1.02 lbs	CDL TYPE: 24 pt. paper	PURPLE	OPENING: Standard	06/07/12	REMARKS: Standard
NET WT.: 1 LB 1 OZ (482g)	UPC: 0 72030 01475 3	WEIGHT: 1.02 lbs	CDL SIZE: 10.75" X 14.75" X 1.625"	TEAL	OPENING: Standard	06/07/12	REMARKS: Standard
FORM CODE: 1475	MANUFACTURE DATE: 05/20/12	WEIGHT: 1.02 lbs	CDL TYPE: 24 pt. paper	ORANGE	OPENING: Standard	06/07/12	REMARKS: Standard
CTL. CODE: E492P5	EXPIRATION DATE: 06/20/12	WEIGHT: 1.02 lbs	CDL SIZE: 10.75" X 14.75" X 1.625"	RED	OPENING: Standard	06/07/12	REMARKS: Standard

# **EXHIBIT 24**



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April 5, 2013

**By Email and Federal Express**

Ben F. Pierce Gore, Esq.  
Pratt & Associates  
1871 The Alameda, Suite 425  
San Jose, CA 95126

**Re:      *Ang, et. al. v. Bimbo Bakeries USA, Inc.***  
**Case No. 4:13-cv-01196-DMR**

Dear Mr. Gore:

We write for Bimbo Bakeries USA, Inc. in relation to the above-referenced litigation. We are in receipt of the complaint that your clients filed against Bimbo Bakeries and are in the process of analyzing it. While we have not fully digested all of the intricacies of your pleading, even a cursory review easily reveals that the complaint is fatally vague as to the products and alleged representations at issue and includes a number of claims that have been dismissed in other proceedings, including some brought by your firm. Given these circumstances and your direct knowledge of them, we ask that you agree to voluntarily amend the complaint filed on behalf of your clients in this case so that we can avoid bringing what should be an unnecessary motion to dismiss.

Specifically, it appears to us that the pleading, as framed, fails to specify the products actually purchased by the plaintiffs in this case and the specific labeling claims at issue. In light of the fact that the complaint is apparently based on specific products purchased by the plaintiffs, certain claims made about those products and an alleged scheme by Bimbo Bakeries to somehow defraud its customers, the complaint does not satisfy the strict pleading requirements for such claims under Federal Rule of Civil Procedure 8 and 9. In addition, the complaint alleges, without any factual support to the contrary, claims based on "fresh baked" and "delivered daily" statements that are both FDA compliant and true. Finally, the Ang complaint includes a claim for restitution and unjust enrichment that is redundant to the relief requested elsewhere in the complaint.

We are quite certain that you are well aware that the pleading issues and failures that we point out here routinely have been the subject of successful motions to dismiss in California. Indeed, there have been a number of orders granting motions to dismiss such claims brought by your firm on behalf of other plaintiffs. For example, the very issues with respect to vague allegations, failure to identify products and labeling claims and asserting claims for disgorgement that your current complaint raises were the subject of recent rulings by Judge Breyer (on a motion to dismiss your complaint brought by ConAgra) and by Judge Conti (on a motion to dismiss your complaint brought by PepsiCo and Frito-Lay). As you will recall, Judge Conti, citing such precedents as *Colucci v. ZonePerfect Nutrition Co.*, No. 12-2907 SC, 2012 WL 6737800, at \*7 (N.D. Cal. Dec. 28, 2012), specifically found that your failure to identify all of the specific products and the specific labels at issue was a violation of Rules 8 and 9 and required granting the motion to dismiss claims based on those products and statements. Judge Conti further found that the claims based on Frito-Lay's

Ben F. Pierce Gore, Esq.

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website, which are materially identical to the claims made here relating to Bimbo Bakeries' website, should be dismissed. That court also indicated that statements that did not violate the FDA regulations on their face – like the "fresh baked daily" claims alleged in the Ang complaint -- were not actionable. Both Judge Breyer and Judge Conti dismissed your unjust enrichment claims as non-actionable.

Again, these rulings are just two of several in California regarding lawsuits brought by your firm finding that these types of deficiencies warrant dismissal of your clients' claims. Given that the complaint that you have filed in the Ang litigation against Bimbo Bakeries includes a large number of the same deficiencies that have already led district courts in California to grant motions to dismiss, we believe that you should withdraw your complaint and file an amended complaint that corrects these issues, specifies the products and labels at issue, if you can, includes only claims that arguably violate FDA regulations, if there are any, and are actionable under the law. We would hope that, in light of your personal knowledge regarding the pleading deficiencies identified here and how the Northern District Court has treated them in other cases, you would agree to amend your complaint and avoid our having to bring a motion to dismiss on the same basis as several other successful motions to dismiss that have been brought against your clients.

If your client does not agree within three (3) days of the date of this letter to file an amended complaint before such time that Bimbo Bakeries' response to the current pleading would be due, Bimbo Bakeries will be forced to file a motion to dismiss. Given the lack of any reasonable basis -- in light of the decisions already rendered on the very pleading deficiencies identified here -- to refuse to voluntarily amend the Ang complaint, if Bimbo Bakeries is forced to file a motion to dismiss, we will seek sanctions for having to do so.

We look forward to your response to this request.

Sincerely,

*/s/ Mark Goodman*

Mark Goodman

Partner  
mark.goodman@hoganlovells.com  
D 415.374.2442

Ben F. Pierce Gore, Esq.

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April 5, 2013

bcc: Shelly W. Seligman  
Claudia V. Coscia

# **EXHIBIT 25**

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2 PRATT & ASSOCIATES  
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4 San Jose, CA 95126  
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6 Fax: (408) 369-0752  
7 pgore@prattattorneys.com

8  
9 *Attorneys for Plaintiffs*  
10  
11

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION  
16  
17

18 ALEX ANG and LYNN STREIT,  
19 individually and on behalf of all others  
20 similarly situated,

21 Plaintiffs,  
22  
23 v.  
24

25 BIMBO BAKERIES USA, INC.  
26  
27 Defendant.

28 Case No. C-13-01196-DMR

29 JOINT STIPULATION RE TIME TO FILE  
30 AMENDED COMPLAINT AND TIME TO  
31 RESPOND THERETO AND REQUEST TO  
32 SET MODIFIED BRIEFING SCHEDULE  
33  
34

35 Complaint filed: March 18, 2013  
36 Judge: Hon. Donna M. Ryu  
37  
38

39 Pursuant to Local Rules 6-1 and 6-2, plaintiffs Alex Ang and Lynn Streit and defendant  
40 Bimbo Bakeries USA, Inc. (collectively, the "Parties") respectfully submit this joint stipulation  
41 requesting that the Court issue an order setting a date by which plaintiffs shall amend their  
42 complaint, extending the time within which defendant shall answer, move or otherwise respond  
43 to the amended complaint and, should defendant make a responsive motion, setting a briefing  
44 schedule for such motion. The current complaint, which will be superseded, was served on  
45 March 28, 2013.

46  
47

48 *Case No. C13-01196-DMR*

49  
50 *JOINT STIPULATION*

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The Parties respectfully request that:

1. Plaintiffs' time to file an amended complaint be extended to permit the filing of such amended complaint on or before May 20, 2013;

2. Defendant shall have thirty (30) days from the date on which plaintiffs' amended complaint is served to answer, move or otherwise respond to the pleading but defendant shall be permitted to request from the Court additional time to respond should the nature of plaintiffs' amendments require such additional time;

3. Should defendant file a motion in response to the amended complaint, plaintiffs shall have thirty (30) days within which to file opposition papers to such motion; and

4. Defendant shall have fourteen (14) days to file any reply in support of its responsive motion.

The Parties further stipulate that Bimbo Bakeries USA, Inc. may be properly served through its counsel with any notices required under the Consumer Legal Remedies Act (Cal. Civil. Code § 1750, et seq.). Such notices may be served upon counsel for Bimbo Bakeries USA, Inc. by electronic mail addressed to Mark Goodman and Ethan Miller.

The Parties request this enlargement of time and the briefing schedule herein because of the complexity of the legal and factual issues in this dispute. (See Declaration of Keith M. Fleischman (filed concurrently).) This is the first time any modification or extension has been requested by either party in this case and this modification and/or extension would have no material effect on the schedule for the case.

Dated: April 19, 2013

THE FLEISCHMAN LAW FIRM PLLC

By: /s/ Keith M. Fleischman  
Keith M. Fleischman (admitted *pro  
hac vice*)  
565 Fifth Avenue, 7th Floor  
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*Counsel for Plaintiffs*

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1 Dated: April 19, 2013

PRATT & ASSOCIATES

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pgore@prattattorneys.com  
*Counsel for Plaintiffs*

8 Dated: April 19, 2013

9 HOGAN LOVELLS US LLP

10 By: /s/ Mark Goodman  
11 Mark Goodman  
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[mark.goodman@hoganlovells.com](mailto:mark.goodman@hoganlovells.com)  
*Counsel for Defendant*

15

16 ATTESTATION

17

18 I, Ben F. Pierce Gore, am the ECF user whose ID and password are being used to file the.  
19 JOINT STIPULATION RE TIME TO FILE AMENDED COMPLAINT AND TIME TO  
20 RESPOND THERETO AND REQUEST TO SET MODIFIED BRIEFING SCHEDULE  
21 In compliance with Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this  
22 document has been obtained from signatory Mark Goodman.

23

24

25 By: s/ Pierce Gore  
26 Ben F. Pierce Gore

27

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